

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. SA CV 08-0787 DOC (MLGx)

Date: July 17, 2012

Title: SYMONE LEYVAS ET AL V. BANK OF AMERICA CORP. ET AL

PRESENT:

THE HONORABLE DAVID O. CARTER, JUDGE

Julie Barrera
Courtroom Clerk

Not Present
Court Reporter

ATTORNEYS PRESENT FOR PLAINTIFFS: ATTORNEYS PRESENT FOR DEFENDANTS:

NONE PRESENT

NONE PRESENT

PROCEEDING (IN CHAMBERS): ORDER TO SHOW CAUSE RE DISMISSAL FOR LACK OF
SUBJECT MATTER JURISDICTION AND IMPROPER
REMOVAL

On May 5, 2008 this action was brought before this Court, alleging that this Court has jurisdiction pursuant to 28 U.S.C. § 1332(d). Compl. (Dkt. 1). On October 16, 2008, the action was transferred to the Southern District of California pursuant to an order from the Judicial Panel on Multidistrict Litigation. (Dkt. 21). On October 11, 2011, Judge Sabraw denied Plaintiff's motion for class certification, and Plaintiff's interlocutory appeal of that denial was declined on January 11, 2012. *In re Countrywide Fin. Corp. Mortg. Mktg. & Sales Practices Litig.*, 277 F.R.D. 586 (S.D. Cal. 2011). On May 18, 2012, the action was remanded to this Court. (Dkt. 117).

In their original complaint, Plaintiffs contended that this Court has diversity jurisdiction pursuant to 28 U.S.C. § 1332(d) because: "(1) there are 100 or more members in the proposed class; (2) many Plaintiffs and Class members have a different citizenship from the Defendants; and (3) the claims of the proposed Class members exceed \$5,000,000 in the aggregate." Compl. (Dkt. 1) at 2. Given that the motion for class certification has been denied, Plaintiffs must now assert different grounds to adequately assert federal court jurisdiction. From the face of the complaint, it is not clear that there is either complete diversity between Plaintiffs and Defendants as required by 28 U.S.C. § 1332(a). Furthermore, Plaintiff exclusively brings state law claims and does not allege any federal causes of action such that the court would have jurisdiction pursuant to 28 U.S.C. § 1331.

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Initials of Deputy Clerk: jcb
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Accordingly, Plaintiffs are hereby ORDERED TO SHOW CAUSE in writing by July 24, 2012 why this action should not be dismissed for lack of subject matter jurisdiction.

The Clerk shall serve this minute order on all parties to the action.